

REMARKS

The status of the claims is as follows:

Original: 6, 7, 13 and 14

Currently amended: 1-5, 8, 10 and 12

Previously presented: None

Canceled: 9, 11 and 15-20

Withdrawn: None

New: 21-23

The term "cyano" has been removed from the definition of R⁹ in claims 1-3.

Claims 3, 5, 9 and 10 have been amended to expressly recite that the compound is optionally in the form of a pharmaceutically acceptable salt.

Claim 4 has been re-written to more clearly indicate it recites a Markush group.

Claims 8 and 10 have been re-written to refer only to HCV.

New claims 21-23 are claims directed to a method of treating HCV infection by administration of a compound of structural formula II as defined in claim 2 as originally filed. It is particularly noted that claims 22 and 23 include "cyano" in the definition of R⁹.

None of the changes to the claims introduces new matter.

Rejection under 35 U.S.C. § 112

Claims 8 and 10 have been rejected under 35 U.S.C. § 112, first paragraph for lack of enablement. The Examiner has asserted that the specification is enabling for HCV but not for RNA-dependent RNA polymerase and RNA-dependent RNA viruses generally. Without conceding the correctness of the rejection but instead solely to advance prosecution, claims 8 and 10 have been amended to refer only to HCV. Withdrawal of the section 112 rejection is accordingly requested.

Rejection under 35 U.S.C. § 103

Claims 1-3 and 5-7 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bobek et al., *J. Med. Chem.* 1972, 15(2), pp.168-171 ("Bobek"). The Examiner has asserted that the claim compounds and the Bobek compounds are structural homologues and thus obvious. Without conceding the correctness of this rejection but instead solely to advance prosecution, the term "cyano" has been removed from the definition of R⁹ in claims 1-3. Claims

5-7 directly or indirectly depend from claim 1 and thus incorporate all of the limitations of claim 1. Bobek concerns only cyano compounds and accordingly does not suggest the claimed compounds as amended herein. Withdrawal of the section 103(a) rejection is accordingly requested.

Information Disclosure Statement

An information disclosure statement (IDS) accompanies this amendment. The IDS cites the references that the Examiner struck from the IDS filed April 8, 2005. Copies of the references are enclosed as well. It is requested that the cited references be considered and made of record and an initialed copy of the IDS be returned with the next communication to Applicants.

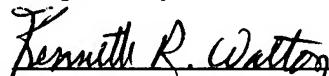
Claim Objection

Claim 4 has been objected to as being dependent upon a rejected base claim. The invitation to rewrite the claim in independent form is declined, because it is believed that the base and intervening claims as amended herein are allowable.

All of the pending claims are believed to be in condition for allowance. The Examiner is asked to telephone the undersigned should any minor matters need to be resolved before a Notice of Allowance can be mailed.

Respectfully submitted,

By:



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